

STATE OF WISCONSIN, CIRCUIT COURT, _____ COUNTY

For Official Use

IN THE INTEREST OF

Consent Decree
(Out-of-home Placement Only)

Name

Indian Child Welfare Act

Date of Birth

Case No. _____

The parties stipulate and agree that the court may enter a consent decree, placing the child/juvenile under supervision, consistent with these terms and conditions.

- ☐ 1. The case shall be held open for _____ days/ _____ months.
[Chapter 48, up to six months; Chapter 938, up to one year]

2. Placement shall be in _____

3. No referrals to intake and/or violations of federal, state, or local laws.

- ☐ 4. Restitution:
\$ _____ (under age 14, \$250 limit), payable to _____
☐ Payment terms _____
☐ Make repairs or provide services agreeable to the victim (under age 14, 40 hour limit) ☐ See attached

- ☐ 5. Community service/supervised work program (under age 14, 40 hour limit)
Amount: _____ hours. Terms: _____

☐ 6. Counseling: _____

- ☐ 7. Other: (include payment for services under §§48.36, 938.36, and 938.361) ☐ See attached

8. The court may extend this decree for an additional 6 months (1 year if a youth village placement) upon notice and motion. Unless an objection is made, no hearing will be held.

SIGNED BY	DATE	SIGNED BY	DATE
Child/Juvenile		Child's/Juvenile's Attorney/GAL	
Mother			
Father			
Indian Custodian			
Prosecuting Attorney		Social Worker	

Notice: During the period of this consent decree, the child/juvenile may object to its continuation and the hearing under which the child/juvenile was placed on supervision may be continued as if the consent decree had never been entered.

THE COURT FINDS:

1. The victim/family has been given an opportunity to make a statement.
2. If restitution/repairs are ordered, the child/juvenile alone is financially able to pay or the custodial parent is financially able to pay.
3. If the child/juvenile is providing services for the victim, the child/juvenile is physically able to perform services for the victim (under age 14, 40 hour limit) and the victim agrees to accept such services.
4. The consent decree is in the child's/juvenile's best interest and is approved.
5. The child/juvenile is subject to the Indian Child Welfare Act.
6. The child/juvenile is placed out of the home.
 - a. Continued custody of the child/juvenile by the parent or Indian custodian ☐ is ☐ is not likely to result in serious emotional or physical damage to the child/juvenile, based on the testimony of one or more qualified expert witnesses. *(This finding is not required if made at a previous hearing.)*
☐ Specify: _____
 - b. Active efforts were *(This finding is not required if made at a previous hearing.)*
☐ made to provide remedial services and rehabilitation programs designed to prevent the breakup of the Indian family and those efforts have proved unsuccessful. ☐ Specify: _____
☐ not made to provide remedial services and rehabilitation programs designed to prevent the breakup of the Indian family.
 - c. ☐ Placement has been made in accordance with the order of preference set forth in the Indian Child Welfare Act.
OR
☐ There is good cause to depart from the order of placement preference in the Indian Child Welfare Act.
☐ Specify: _____
 - d. Placement in the home at this time ☐ is ☐ is not contrary to the child's/juvenile's welfare.

 - e. Reasonable efforts to prevent removal were *(Complete one of the following.)*
☐ made by the department or agency responsible for providing services.

☐ made by the department or agency responsible for providing services, although an emergency situation resulted in immediate removal of the child/juvenile from the home.

☐ not required under §§48.355(2d) and 938.355(2d). _____

☐ required, but the department or agency responsible for providing services failed to make reasonable efforts.
 - f. Reasonable efforts to place the child/juvenile in a placement that enables the sibling group to remain together were
☐ made.
☐ not required because the child/juvenile does not have siblings in out-of-home care.
☐ not required because it would be contrary to the safety or well being of the child/juvenile or any of the siblings.

7. Permanency plan

☐ was not filed.☐ was filed and reasonable efforts to achieve the goal(s) of the permanency plan, including through an out-of-state placement if appropriate, were: *(Complete one of the following only if a permanency plan was filed.)*☐ made by the department or agency responsible for providing services.☐ not made by the department or agency responsible for providing services.

8. As to the department or agency recommendation:

☐ a. The placement location recommended by the department or agency is adopted.

OR

☐ b. After giving bona fide consideration to the recommendations of the department or agency and all parties, the placement location recommended is not adopted.**THE COURT ORDERS:**

1. The child/juvenile is placed at _____
and into the placement and care responsibility of the

☐ _____ county department, which has primary responsibility for providing services.☐ Department of Children and Families, which has primary responsibility for providing services.☐ Bureau of Milwaukee Child Welfare, which has primary responsibility for providing services.

☐ 2. The child/juvenile has siblings in out-of-home care and the child/juvenile is not placed with those siblings.

☐ The department or agency shall make reasonable efforts to provide frequent visitation or other ongoing interaction between the child/juvenile and any siblings.☐ The department or agency is not required to provide for frequent visitation or other ongoing interaction because it would be contrary to the safety or well being of the child/juvenile or any siblings.

3. The parties must comply with all terms and conditions of the consent decree.

4. Failure to comply with this consent decree may result in reinstatement of these proceedings. If not reinstated, the original petition is dismissed at the end of the appropriate period without further order of the court.

Expiration Date: _____

BY THE COURT:

DISTRIBUTION:

1. Original - Court
2. All Signers
3. Service Providers
4. Tribe

Circuit Court Judge/Circuit Court Commissioner_____
Name Printed or Typed_____
Date